

State of South Dakota

EIGHTY-THIRD SESSION LEGISLATIVE ASSEMBLY, 2008

475P0508

HOUSE BILL NO. 1168

Introduced by: Representatives Cutler, Buckingham, Gilson, Halverson, Haverly, Krebs, Novstrup (David), Rave, and Street and Senators Albers, Abdallah, Bartling, Koetzle, Olson (Ed), and Sutton

1 FOR AN ACT ENTITLED, An Act to clarify the penalty applicable to violations of certain no
2 contact orders.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 25-10-13 be amended to read as follows:

5 25-10-13. If a temporary protection order or a protection order is granted pursuant to this
6 chapter or is a foreign protection order recognized pursuant to § 25-10-12.1, or if a no contact
7 order is issued pursuant to § 25-10-25, and the respondent or person to be restrained knows of
8 the order, violation of the order is a Class 1 misdemeanor. If any violation of this section
9 constitutes an assault pursuant to § 22-18-1, the violation is a Class 6 felony. If a respondent or
10 person to be restrained has been convicted of, or entered a plea of guilty to, two or more
11 violations of this section, the factual basis for which occurred after the date of the second
12 conviction, and occurred within five years of committing the current offense, the respondent or
13 person to be restrained is guilty of a Class 6 felony for any third or subsequent offense. Any
14 proceeding under this chapter is in addition to other civil or criminal remedies.

